

**12520. Adulteration of shell eggs. U. S. v. 400 Cases of Shell Eggs. Decree entered, ordering product released. (F. & D. No. 18296. I. S. No. 7030-v. S. No. C-4119.)**

On or about September 13, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of shell eggs, at Chicago, Ill., alleging that the article had been shipped by Vanderford Co. from Weaubleau, Mo., August 31, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 23, 1923, Harry H. Field & Co. having appeared as claimant for the property, an order of the court was entered, providing that the product be candled under the supervision of this department and that the claimant pay the costs of the proceedings, including the cost of candling, or execute a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12521. Adulteration and misbranding of cottonseed meal. U. S. v. Eufaula Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 17137. I. S. No. 9375-t.)**

On April 17, 1923, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about November 25, 1921, from the State of Alabama into the State of Florida, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Lbs. Standard Cotton Seed Meal Ammonia 7 per cent Protein 36 per cent Fat 6 per cent Carbohydrates 30 per cent Fibre 14 per cent \* \* \* Manufactured by Eufaula Cotton Oil Co., Eufaula, Ala."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.47 per cent of ammonia, 33.25 per cent of protein, 5.70 per cent of fat, and 16.02 per cent of fiber. Examination by said bureau showed that the article contained about 27 per cent of cottonseed hulls and at least 5 per cent of peanut hulls.

Adulteration of the article was alleged in the information for the reason that an excessive amount of cottonseed hulls and peanut hulls had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Standard Cotton Seed Meal," "Ammonia 7 per cent Protein 36 per cent Fat 6 per cent \* \* \* Fibre 14 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was standard cottonseed meal and contained not less than 7 per cent of ammonia, not less than 36 per cent of protein, not less than 6 per cent of fat, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was standard cottonseed meal and contained not less than 7 per cent of ammonia, not less than 36 per cent of protein, not less than 6 per cent of fat, and not more than 14 per cent of fiber, whereas, in truth and in fact, it was not standard cottonseed meal but was a product which contained an excessive amount of cottonseed hulls and which contained peanut hulls and contained less ammonia, less protein, less fat, and more fiber than was declared on the label.

On May 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

HOWARD M. GORE, *Secretary of Agriculture.*

**12522. Misbranding of cottonseed meal. U. S. v. Southern Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17799. I. S. No. 3403-v.)**

On December 5, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation, Waynesboro, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about December 27, 1922, from the State of Georgia into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Protein, not less than 36.00% Equivalent to Ammonia 7.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein, not less than 36.00% Equivalent to Ammonia 7.00%," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 36 per cent of protein, the equivalent of 7 per cent of ammonia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, the equivalent of 7 per cent of ammonia, whereas, in truth and in fact, the article contained less than 36 per cent of protein, to wit, approximately 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

On April 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

**12523. Adulteration and misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18842. I. S. No. 16844-v. S. No. E-4913.)

On July 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the South Hero Creamery Assoc., South Hero, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

**12524. Adulteration and misbranding of vinegar. U. S. v. James T. Bothwell (J. T. Bothwell Grocery Co.). Plea of guilty. Fine, \$25.** (F. & D. No. 12470. I. S. No. 16309-r.)

On October 25, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James T. Bothwell, trading as J. T. Bothwell Grocery Co., Augusta, Ga., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 7, 1919, from the State of Georgia into the State of South Carolina, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "Pure Apple Cider Vinegar Capacity 26 Oz. Bottled by J. T. Bothwell Grocery Co. Augusta, Georgia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was distilled vinegar colored with caramel.